

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

STANARD LEROY PHILLIPS,	§	
	§	
	§	CIVIL ACTION NO. 5:19-CV-00170-RWS-CMC
Plaintiff,	§	
	§	
v.	§	
	§	
BRYAN COLLIER, ET AL.,	§	
	§	
Defendants.	§	
	§	

ORDER

Plaintiff Standard Leroy Phillips, an inmate proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff complained of violations of his right to religious freedom under the First Amendment and the Religious Land Use and Institutionalized Person Act, 42 U.S.C. § 2000cc-1(a) *et seq.*, with regard to his desire to practice Judaism. The Defendants Chaplain Steven Gibbs and Warden Balden Polk filed a motion for summary judgment including summary judgment evidence explaining TDCJ policies and procedures regarding Judaism, as developed in accordance with Jewish religious law.

After reviewing the summary judgment evidence, including documents and a notice submitted by Plaintiff, the Magistrate Judge issued a Report on August 10, 2021, recommending that the Defendants' motion for summary judgment be granted and the lawsuit dismissed. Docket No. 44. A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but no objections have been filed. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the

usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Company of Canada*, 931 F.3d 412, 420–21, n.9 (5th Cir. 2019). Because no objections to the Magistrate Judge’s report have been received, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, from appellate review of the unobjection-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

Nonetheless, the Court has reviewed the pleadings and the Magistrate Judge’s report and agrees with the report. See *United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants.’ ”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 44) is **ADOPTED** as the opinion of the Court. It is further

ORDERED that the Defendants’ motion for summary judgment (Docket No. 42) is **GRANTED** and that the above-styled civil action is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

SIGNED this 15th day of September, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE